

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF OKLAHOMA**

DENNIS PALMER,

Plaintiff,

v.

JOHNNY PHILPOT, in his official capacity
as Sheriff of Sequoyah County;
ROBERT GUDE, individually;
FRANKLIN LIGHTFOOT, individually; and
SHANE MCHALE, individually;

Defendants.

Case No. CIV-07-012-RAW

ORDER

This matter came before the Court for a telephonic hearing on the record on November 6, 2007 to address Plaintiff's counsel's motions to withdraw as Plaintiff's attorneys [Docket Nos. 104 and 105]. For good cause shown, the Court GRANTED both motions over Plaintiff's objection. At Plaintiff's request, the Court continued the trial to the February docket to give Plaintiff time to find a new attorney and to give his new attorney time to prepare for trial. If Plaintiff's new counsel needs more time to prepare, he may file a motion to continue and the Court will consider it.

Also, as noted at the hearing, a jury was previously selected and will be let go. The cost of that jury was \$1958.67. Twenty-one jurors were paid an attendance fee of \$40.00 each. The total attendance fees then were \$840.00. The jurors were also paid for their mileage (\$1110.17) and tolls (\$8.50). Altogether, that totals \$1958.67.


At the hearing, Plaintiff's attitude was combative and disrespectful. At one point, Plaintiff even addressed the Court as "Bud." Plaintiff insisted upon recounting his disagreements with his counsel, only proving to the Court that it made the correct decision with regard to the motions to

withdraw. The Court found that the disagreements with his counsel are most likely the fault of Plaintiff himself. The Court ruled, therefore, that the cost of the wasted jury selection would be taxed to Plaintiff and payment thereof would be a condition to selecting a new jury and continuing Plaintiff's case to trial. Given the high cost of the jury, the Court now decides to tax only one quarter of that to Plaintiff. Accordingly, Plaintiff is hereby taxed \$489.67. Plaintiff's payment of that amount is a condition to this Court selecting a new jury and continuing his case to trial.

IT IS SO ORDERED this 8th day of November, 2007.

Dated this 8th Day of November 2007.

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Ronald A. White
United States District Judge
Eastern District of Oklahoma